

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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|---|--|---|
| Applicant's or agent's file reference 5269.01 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US00/29809 | International filing date (day/month/year) 27 OCTOBER 2000 | Priority date (day/month/year) 27 OCTOBER 1999 |
| International Patent Classification (IPC) or national classification and IPC IPC(7): H04N 7/173 and US Cl.: 725/87 | | |
| Applicant DISCOVERY COMMUNICATIONS, INC. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

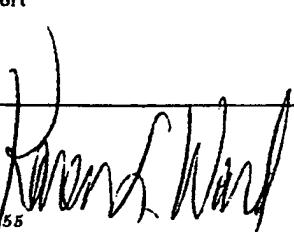
2. This REPORT consists of a total of 5 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

| | |
|--|---|
| Date of submission of the demand 02 MAY 2001 | Date of completion of this report 27 DECEMBER 2001 |
| Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 | Authorized officer CHRISTOPHER GRANT Telephone No. (703) 505-4755 |
| Facsimile No. (703) 505-5280 |  |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/29809

I. Basis of the report

1. With regard to the elements of the international application: *

 the international application as originally filed the description:

pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

 the claims:

pages _____ (See Attached) _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

 the drawings:

pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

 the sequence listing part of the description:

pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ NONE the claims, Nos. _____ NONE the drawings, sheets _____ NONE5. This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

| | | | |
|--------------------------------------|---------------|--------------|------------|
| Novelty (N) | Claims | <u>1-37</u> | YES |
| | Claims | <u>38-79</u> | NO |
| Inventive Step (IS) | Claims | <u>1-37</u> | YES |
| | Claims | <u>38-79</u> | NO |
| Industrial Applicability (IA) | Claims | <u>1-79</u> | YES |
| | Claims | <u>NONE</u> | NO |

2. citations and explanations (Rule 70.7)

Claims 38-79 lack novelty under PCT Article 35(2) as being anticipated by Hendricks (WO 95 95649).

Considering claim 38, Hendricks discloses an apparatus for providing electronic books comprising:

- a) a main memory (600) (figure 6a, 8), wherein at least the index of a book inherently comprises one or more pages of content;
- b) a main interface that receives a request for a main section of an electronic book (see index, menu and/or pages of the book as disclosed on page 18, lines 18-20, figures 10-12);
- c) a main processor that locates the requested main section (628, figure 8).

Claims 38-50 are met by the various sections of the electronic book in figures 1-18b.

Considering claims 51 and 65, Hendricks discloses a computer-readable medium containing instructions for controlling an electronic book delivery system, comprising:

- a) storage module (1040, 1024);
- b) a broadcast module (channel modulators);
- c) an electronic book order module (page 24, line 25, figure 14b, 14d-14f and 14i) that receives and processes orders from the readers.

Claims 52-64 and 66-78 are met by the ordering procedures in association with electronic book stored at the operations center, cable station or library unit disclosed throughout the Hendricks document.

Considering claim 79, Hendricks discloses a user interface for ordering and receiving electronic books comprising:

- a) display window that displays an indication of available electronic books (figure 14c or 14e);
- b) a cost window (figure 14e);
- c) a delivery selection section (14e); and

(Continued on Supplemental Sheet.)

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

| Application No. Patent No. | Publication Date (day/month/year) | Filing Date (day/month/year) | Priority date (valid claim) (day/month/year) |
|-------------------------------|--------------------------------------|---------------------------------|---|
| US, A. 6,034,680 | 07 MARCH 2000 | 30 APRIL 1997 | 25 APRIL 1997 |
| US, A. 6,052,717 | 18 APRIL 2000 | 23 OCTOBER 1996 | |

2. Non-written disclosures (Rule 70.9)

| Kind of non-written disclosure | Date of non-written disclosure (day/month/year) | Date of written disclosure referring to non-written disclosure (day/month/year) |
|--------------------------------|--|---|
| | | |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-89 , as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the claims,
page(s) 90-95, 97-101 , as originally filed.
page(s) NONE, as amended under Article 19.
page(s) NONE, filed with the demand.
and additional amendments:
Pages 96 and 102, filed with the letter of 05 November 2001

This report has been drawn on the basis of the drawings,
page(s) 1-53 , as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the sequence listing part of the description:
page(s) NONE, as originally filed.
pages(s) NONE, filed with the demand.
and additional amendments:
NONE

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

d) an order button (figures 14b or 14e, 14f, 14i, 14j), wherein at least the index of a book inherently comprises one or more pages of content.

Claims 1-37 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a virtual on-demand electronic book system comprising a main memory, a queuing processor, first and second queues or a broadcast module, an electronic book ordering module, a packet assemble module, queue selection module and a queue service module as recited in the claims.

----- NEW CITATIONS -----

WO 95 15649 A (HENDRICKS et al.) 08 June 1995, whole document
US 4,855,725 A (FERNANDEZ) 08 August 1989, figures 1-3